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CORPORATIONS — REORGANIZATION AND CONSOLIDATION — SALE OF ASSETS UNDER CONSENT DECREE OF COURT — IS VALUE SET BY DECREE BINDING ON SURETIES WHEN CREDITORS TAKE OVER ASSETS. — The creditors of an insolvent corporation, with the knowledge and consent of the surety, took over the assets under a consent decree of court as a step in a plan of reorganization. They formed a new corporation to take the assets and issued paid-up capital stock equal in par value to more than the amount of their claims against the old insolvent corporation. The creditors asserted the right to apply to their claims only the value as set by the decree and to hold the sureties for the balance. *Held*, that the creditors were estopped by the issue of paid-up capital stock to assert that the assets were worth less than the full amount of their claims. *Mechanics & Metals Nat. Bank v. Howell*, 207 Fed. 973. See NOTES, p. 467.

DOMICILE — ACQUIRING OF DOMICILE BY MILITARY MEN — POSSIBILITY OF DOMICILE IN FEDERAL TERRITORY. — The deceased, who had acquired a domicile of choice in New York, became an officer in the regular army, and served in Texas, at Governor's Island, in Chicago, and again at Governor's Island, where his headquarters were at the time of his death. He intended to live in the District of Columbia after leaving Governor's Island. *Held*, that his residence in federal territory, Governor's Island, coupled with his intention to continue to live in federal territory, the District of Columbia, gave him a domicile of choice in federal territory, so that his estate was not subject to the New York transfer tax. *Matter of Grant*, 83 N. Y. Misc. 257.

The portions of territory, such as Governor's Island, over which the United States exercises exclusive control, are nevertheless portions of the legal units, the states, in which they lie. The decision therefore seems erroneous. See NOTES, p. 472.

EMINENT DOMAIN — RESTRICTIONS UPON PROPERTY ADJACENT TO PUBLIC PARKS. — A Pennsylvania statute conferred upon cities the power to purchase private property within two hundred feet of public parks and parkways, and "to resell . . . with such restrictions in regard to the use thereof as will fairly insure the protection of such . . . parks . . . , their environs, the preservation of the view, appearance, light, air, health, and usefulness." ACT, June 8, 1907 (P. L. 466). In pursuance thereof, the councils of the defendant city passed an ordinance appropriating the plaintiff's property, and authorized its resale to B. subject to restrictions. *Held*, that the statute is unconstitutional. *Pennsylvania Mutual Life Ins. Co. v. City of Philadelphia*, 88 Atl. 904 (Pa.)

The right of eminent domain may be invoked only for a public use. *Embury v. Conner*, 3 N. Y. 511; *Gaylord v. Sanitary District of Chicago*, 204 Ill. 576, 68 N. E. 522. But as to what is a public use the courts are not agreed. One line of decisions makes the phrase synonymous with "general utility," "public advantage or benefit." *Olmstead v. Camp*, 33 Conn. 532. See *Tuttle v. Moore*, 3 Ind. Ter. 712, 725, 64 S. W. 585, 591; see 15 HARV. L. REV. 399. Another, and closer, interpretation, and one to which the principal case subscribes, requires that there be a "use or right of use by the public." *Matter of the Application of the Eureka Basin Warehouse and Manufacturing Co.*, 96 N. Y. 42; *Arnsperger v. Crawford*, 101 Md. 247, 253, 61 Atl. 413, 415. See 1 LEWIS, EMINENT DOMAIN, 3 ed., § 258. All this is involved in the question which the principal case suggests as to how building restrictions for æsthetic purposes can be imposed upon property surrounding public parks. The simplest method would be to make a direct limitation upon the present owners. Whether this could be justified as an exercise of the police power is at least doubtful. *Passaic v. Paterson Bill Posting Co.*, 72 N. J. L. 285, 62 Atl. 267; *People v. Green*, 85 N. Y. App. Div. 400, 83 N. Y. Supp. 460. See 20 HARV.